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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,183	07/27/2001	Bruce Huitt	38,146	9613
29569	7590	06/06/2005	EXAMINER	
JEFFREY FURR 253 N. MAIN STREET JOHNSTOWN, OH 43031			GIBSON, RANDY W	
			ART UNIT	PAPER NUMBER
			2841	

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/917,183

Applicant(s)

HUITT ET AL.

Examiner

Randy W. Gibson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15, 16, 18 and 20-27 is/are rejected.
- 7) ☒ Claim(s) 17 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 23 is objected to because of the following informalities: the phrase "said connectors" lacks positive antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 22-27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The second embodiment described in the written description, the one drawn to mixing material in a mixing bin that has been weighed in weighing bins (claim 21), does not disclose calculating shipping rates for this scale since there is apparently nothing to ship (the second embodiment is a mixing scale, not a postal scale). It does not disclose transmitting data through an Internet connection upon placing a weight upon the weighing platform, since the second embodiment has no such platform disclosed (weighing bins cannot be considered to be

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"platforms", and no such auto transmission is disclosed for the second embodiment.).

Likewise, the description of the second embodiment says nothing about connectors.

DETAILED ACTION

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 15, 16, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gubitose (US # 6,426,471) in view of Jalalian et al (US # 5,548,722), Wahl (US # 6,024,607), and Taylor (US # 5,678,005). Gubitose discloses a shipping scale with an Internet connection (Col. 1, lines 21-62). Gubitose discloses the claimed invention except for running the browser in the background mode, a connector on the rear of the controller that is configured in such a way as to prevent an operator from improperly placing a multi-wire cable on the wrong connector on the rear of the controller, and the limitation of auto-configuring the connector in software.

It is generally known to configure a networked computer so that it contacts the network in a "background" mode so that the user can perform other tasks without being distracted by the computer's attempts to connect to, and to transmit data to, the network as shown by the example of Jalalian et al (Col. 10, lines 19-65), and would have been an obvious modification to the device of Gubitose for the same reason.

It has been known for some time to give different connectors on the back of a computer unique shapes to physically prevent improper connections, or to give them unique colors to prevent an operator from mixing up cables, as shown by the examples of Wahl (Col. 2, lines 1-19) and Taylor (Col. 1, lines 33-43). Taylor also teaches that it is known to auto-configure the connector in software (Col. 1, lines 46 to col. 2, lines 31). It would have been obvious to the ordinary practitioner to provide the controller of Gubitose with standard means to prevent an operator from mixing up cable connections to prevent damage to the equipment or miss-operation of the same.

Although not specifically mentioned, the examiner notes that cache memory address books for storing frequently used addresses are known and would be obvious for the convenience of the user.

6. Claims 15, 16, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gesuita et al (US # 6,566,613) in view of Jalalian et al (US # 5,548,722), Wahl (US # 6,024,607), and Taylor (US # 5,678,005). Gesuita et al discloses a bulk weighing device (Col. 10, lines 12-65) with material bins (12) and a mixing bin (15) with a controller (2) that has an Internet browsing means (Col. 4, lines 8-35). Gesuita et al discloses the claimed invention except for running the browser in the background mode, a connector on the rear of the controller that is configured in such a way as to prevent an operator from improperly placing a multi-wire cable on the wrong connector on the rear of the controller, and the limitation of auto-configuring the connector in software.

It is generally known to configure a networked computer so that it contacts the network in a "background" mode so that the user can perform other tasks without being distracted by the computer's attempts to connect to, and to transmit data to, the network as shown by the example of Jalalian et al (Col. 10, lines 19-65), and would have been an obvious modification to the device of Gesuita et al for the same reason.

It has been known for some time to give different connectors on the back of a computer unique shapes to physically prevent improper connections, or to give them unique colors to prevent an operator from mixing up cables, as shown by the examples of Wahl (Col. 2, lines 1-19) and Taylor (Col. 1, lines 33-43). Taylor also teaches that it is known to auto-configure the connector in software (Col. 1, lines 46 to col. 2, lines 31). It would have been obvious to the ordinary practitioner to provide the controller of Gesuita et al with standard means to prevent an operator from mixing up cable connections to prevent damage to the equipment or mis-operation of the same.

Conclusion

7. Claims 17 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

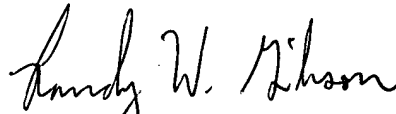
§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy W. Gibson whose telephone number is (571) 272-2103. The examiner can normally be reached on Mon-Fri., 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on (571) 272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Randy W. Gibson
Primary Examiner
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